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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)**

In re STEVEN A., JR., a Person Coming
Under the Juvenile Court Law.

C081103

(Super. Ct. No. JD234478)

SACRAMENTO COUNTY
DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Plaintiff and Respondent,

v.

VIRGINIA G.,

Defendant and Appellant.

Virginia G., mother of the minor, appeals from orders of the juvenile court terminating her parental rights. (Welf. & Inst. Code, §§ 366.26, 395.)¹

¹ Undesignated statutory references are to the Welfare and Institutions Code.

Mother contends there was inadequate inquiry into her Indian ancestry as required by the Indian Child Welfare Act (ICWA) (25 U.S.C. § 1901 et seq.) and reversal is required. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In March 2014, the Sacramento County Department of Health and Human Services (Department) filed a petition to detain one-year-old Steven A., Jr., due to mother's substance abuse issues and father's failure to protect the minor. At the detention hearing mother provided an ICWA-020 form, claiming Indian ancestry in the Cherokee and Arapaho tribes. The court ordered mother to complete the ancestry questionnaire and return it to the social worker in the envelope provided. The court further ordered the Department to provide mother services and detained the minor. Mother's counsel provided a name and telephone number of a maternal uncle and stated that she had other relatives' names.

In April 2014, a Department paralegal filed an ICWA declaration which stated that in late March 2014 the paralegal had called the maternal grandfather who provided family history for the ICWA-030 notice form. The maternal grandfather said the Indian ancestry was on the maternal grandmother's side of the family and that he would call back with her contact information. In late March the paralegal also spoke with M.O., a maternal aunt, who provided the birth date of the maternal grandmother and said she would contact the maternal grandmother for more information. The paralegal also sent an e-mail message to the father at the Rio Cosumnes Correctional Center, informing him that the paralegal could accept collect calls. The paralegal had not heard from father by April 14, 2014. On April 1, 2014, the paralegal attempted to recontact M.O., but got a message that she was unavailable and left her contact information. The paralegal also called a second maternal aunt, S.H., but the number belonged to someone else. On April 9, 2014, the paralegal again called the maternal grandfather; however, the number

was no longer in service. The paralegal then called the maternal uncle who said he would contact his sister to get contact information for the maternal grandmother. The next day the paralegal called M.O. and left a message on her voicemail. The paralegal also e-mailed the social worker for additional contact information for both sides of the family. By mid-April, mother had not provided any ancestry information to the paralegal, who then sent notice to the relevant tribes using the information that had been provided by the family.

The ICWA declaration filed in May 2014 provided the first responses from the noticed tribes. Two tribes responded that, based on their records, ICWA did not apply to the minor.

The jurisdiction/disposition report noted the ongoing ICWA notice results. The report recommended services be provided to mother.

A second ICWA declaration filed in May 2014 stated that no tribe had so far indicated the minor was eligible for membership. Two tribes had not yet responded to the notice. By June 2014 only one tribe had not responded. The remaining tribes had informed the Department that, based on their records, the minor was not eligible for enrollment.

The court sustained the petition, continued the minor in placement and ordered services for mother. The court set an ICWA compliance hearing.

At the ICWA compliance hearing in June 2014, the court found the Department had made an adequate inquiry and there was no basis for finding the minor was an Indian child. The court ruled that no additional notice was required.

Mother failed to reunify after 12 months of services and the court set a section 366.26 hearing. Nothing in the record suggests there was any new contact information for the maternal relatives or that any maternal relative provided further information

regarding possible Indian ancestry to the Department. At the section 366.26 hearing, the court heard and denied a petition for modification filed by father and terminated parental rights.

DISCUSSION

Mother contends the court's finding that the ICWA did not apply is defective because there was inadequate inquiry regarding the minor's Indian heritage. We disagree.

The ICWA protects the interests of Indian children and promotes the stability and security of Indian tribes by establishing minimum standards for, and permitting tribal participation in, dependency actions. (25 U.S.C. §§ 1901, 1902, 1903(1), 1911(c), 1912.) The juvenile court and the Department have an affirmative duty to inquire at the outset of the proceedings whether a child who is subject to the proceedings is, or may be, an Indian child. (Cal. Rules of Court, rule 5.481(a).)

The Department is required to interview the minor's parents and extended family, if known, concerning the child's membership status or eligibility. (§ 224.3, subd. (c); Cal. Rules of Court, rule 5.481(a)(4).) The duty of inquiry of parents and extended family is continuing. (§ 224.3, subds. (a) & (c).) However, the Department is not required to conduct a comprehensive investigation into the minor's Indian status. (*In re C.Y.* (2012) 208 Cal.App.4th 34, 39; *In re S.B.* (2005) 130 Cal.App.4th 1148, 1161.)

Mother was provided the ancestry questionnaire and the court *ordered* her to complete it and return it to the social worker. Mother now complains that no one told her how important the questionnaire was in investigating her Indian ancestry and that we should not assume she is literate. Mother was represented by counsel and had a social worker assigned to her case. Either one could have assisted her in completing the questionnaire if she did not understand it. Nothing in the record suggests that mother was

illiterate or had any difficulty understanding what was required of her. Further, if mother was not sufficiently impressed by the court's order to complete and return the questionnaire, it is difficult to envision an explanation of its importance that would have a greater effect on her.

Here, the paralegal contacted the father, the maternal grandfather, two maternal aunts and a maternal uncle seeking information about specific identity information of family members so that notice could be sent to the tribes identified by mother. The relatives provided a number of names with related information and said they would provide contact information for the maternal grandmother, but never did so. The paralegal recontacted the relatives but found telephone numbers were no longer in service or got no responses to the messages she left. The paralegal contacted the social worker for additional information on how to contact relatives on both sides of the family and received no new information.

Mother relies on *In re K.M.* (2009) 172 Cal.App.4th 115 for the proposition that the Department should have made further inquiry of mother when she did not return the ancestry questionnaire. While the paralegal did not make further inquiry of mother, there was extensive inquiry of close relatives who initially provided ancestry information but became unavailable upon further attempts to contact them. *In re K.M.* stands for the proposition that the social worker was only required to make reasonable efforts to secure ancestry information particularly in the face of hostility or indifference on the part of the family to providing such information. (*Id.* at p. 119.) The decision in *In re K.M.* does not require further attempts at inquiry in this case.

The Department's inquiry was more than adequate at the outset of the dependency. At no point thereafter was any information forthcoming that would have triggered a requirement for additional inquiry and notice. The Department had the names of two

possible tribes and its inquiry produced names of ancestors in the relevant maternal line.
The required notice was sent to the tribes. No error appears.

DISPOSITION

The orders of the juvenile court are affirmed.

_____**BUTZ**_____, Acting P. J.

We concur:

_____**DUARTE**_____, J.

_____**RENNER**_____, J.